

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|--------------------------|---------------------------|
| MONTE C. DUTKO, Jr., | : |
| Plaintiff | : |
| v. | : Case No. 3:22-cv-19-KAP |
| OFFICER JOSEPH R. MOSER, | : |
| <i>et al.</i> , | : |
| Defendants | : |

Memorandum Order

Plaintiff's motion for appointment of counsel and for default judgment, ECF no. 34, is denied. The defendants are not in default, and Local Civil Rule 10.C provides that "[a]bsent special circumstances, no motions for the appointment of counsel will be granted until after dispositive motions have been resolved." The local rule reflects the experience-based judgment of the District Court that, given the few attorneys who have expressed willingness to represent inmates *pro bono*, counsel should be reserved for cases pending trial. There are no special circumstances here, especially since an inmate in a local county prison has the same access to the relevant county bar association's referral service that any resident does.

With respect to plaintiff's claim that his sentence has been improperly computed, he can file a habeas corpus petition against the proper respondent, but he really should contact counsel who represented him at sentencing to address the issue first.



DATE: January 9, 2023

Keith A. Pesto,
United States Magistrate Judge

Notice by ECF to counsel and by U.S. Mail to:

Monte C. Dutko, Jr. 22-0680
Cambria County Prison
425 Manor Drive
Ebensburg, PA 15931